

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ROUBEN MADIKIANs,)	
)	
Plaintiff,)	
)	
v.)	No. 1:04-cv-12451-JLT
)	Judge Joseph L. Tauro
AMERICAN AIRLINES ASSOCIATION)	
OF PROFESSIONAL FLIGHT)	
ATTENDANTS ("APFA"), et al.,)	
)	
Defendants.)	
_____)	

UNION DEFENDANTS' MOTION TO
DISMISS SECOND AMENDED COMPLAINT

Defendants Association of Professional Flight Attendants ("APFA"), Julia Carrigan, and Amy Milenkovic ("Union defendants") respectfully move the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss plaintiff's Second Amended Complaint. In support of their motion, defendants state as follows.

1. None of the counts of the Second Amended Complaint that purport to present a cause of action arising under federal law - Counts I, IV, V and VI - states a claim upon which relief can be granted. These counts must therefore be dismissed pursuant to Rule 12(b)(6).

2. Having dismissed all federal claims at an early stage of the litigation, the Court should decline to exercise supplemental jurisdiction over the state law claims presented in Counts II, III, VII and VIII.

3. The grounds for this motion are more fully set forth in the accompanying Union Defendants' Memorandum in Support of Motion to Dismiss Second Amended Complaint.

For these reasons, defendant's Motion to Dismiss should be granted, and the complaint should be dismissed in its entirety.

REQUEST FOR ORAL ARGUMENT

The Union defendants believe that oral argument would assist the Court, and they therefore request that the Court allow a hearing on this motion.

Respectfully submitted,

/s/ David B. Rome
DAVID B. ROME, BBO #426400
Pyle, Rome, Lichten, Ehrenberg
& Liss-Riordan, P.C.
18 Tremont Street, Suite 500
Boston, Massachusetts 02108
(617) 367-7200
(617) 367-4820 (fax)

JOHN M. WEST (pro hac vice)
Bredhoff & Kaiser, P.L.L.C.
805 Fifteenth Street, N.W.
Suite 1000
Washington, DC 20005
(202) 842-2600
(202) 842-1888 (fax)

Dated: March 31, 2005

Counsel for the Union Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Union Defendants' Motion to Dismiss Second Amended Complaint was served by first-class mail, postage prepaid, this 31st day of March, 2005, as follows:

David D. Nielson
Daniel J. Ciccariello
15 Cottage Avenue, Suite 301
Quincy, MA 02169

Michael A. Fitzhugh
Fitzhugh, Parker & Alvaro LLP
155 Federal Street
Suite 1700
Boston, MA 02110-1727

/s/ David B. Rome
David B. Rome